

ANNE C. BELES (Cal. Bar No. 200276)
EMILIO T. PARKER (Cal. Bar No. 276310)
One Kaiser Plaza, Suite 2300
Oakland, California 94612-3642
Telephone: (510) 836-0100
Facsimile: (510) 832-3690
E-mail: beleslaw@yahoo.com

Attorneys for Defendant
HERBERTH NOEL AYALA

United States District Court
Northern District of California

UNITED STATES OF AMERICA,) CR No. 3:13-CR-00030-RS-1
)
Plaintiff,) STIPULATION AND [PROPOSED] ORDER
)
) CONTINUING SENTENCING HEARING AS
v.) TO DEFENDANT HERBERTH NOEL AYALA
)
)
HERBERTH NOEL AYALA,)
)
Defendant.)
_____)

Defendant HERBERTH NOEL AYALA, by and through his counsel undersigned, the United States of America, through Assistant United States Attorney LAURA ELIZABETH VARTAIN HORN, and the United States Probation Office, through U.S. Probation Officer INSA AMINA BEL'OCHI, hereby stipulate and respectfully request that the Court vacate the Sentencing Hearing in the above-captioned case, currently set for Tuesday, December 17, 2013, at 02:30 p.m., and reset it for Tuesday, February 4, 2014, at 02:30 p.m.

This is the parties' second request to continue the Sentencing Hearing as to Defendant Ayala (Dkt. 24). The parties last appeared before the Court on July 9, 2013, when the change of plea was entered as to defendant Ayala (Dkt. No. 22).

U.S. Probation Officer Insa Amina Bel'Ochi visited Defendant Ayala in custody and concluded the probation interview on Friday, August 30, 2013. At that time Ms. Bel'Ochi represented to the parties she would require a substantial amount of time to draft and then finalize the presentence report.

Ms. Bel'Ochi has requested additional time.

The parties stipulate to further continue the Sentencing Hearing on this matter at the request U.S. Probation Officer Insa Amina Bel'Ochi for additional time to complete the Proposed Presentence Report for disclosure to the parties.

The requested continuance is necessary to allow for the Proposed Presentence Report to be completed and disclosed to all parties pursuant to Fed. R. Crim. P. 32(b)(6), and to allow the parties reasonable time to thoroughly review the proposed report and submit their written responses pursuant to Crim. L.R. 32-4(b).

For the above-stated reasons, the Defendant, defense counsel, and the government stipulate and respectfully request that the Court vacate the Sentencing Hearing currently set for Tuesday, December 17, 2013 and reset it for Tuesday, February 4, 2014, at 2:30 p.m.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: December 4, 2013

/s/ ACB
ANNE CATHERINE BELES,
Attorney for HERBERTH N. AYALA

DATED: December 4, 2013

/s/ ETP
EMILIO TOMAS PARKER,
Attorney for HERBERTH N. AYALA

1 DATED: December 4, 2013

/s/ IAB
INSA AMINA BEL'OCHI
U.S. Probation Officer

4 DATED: December 4, 2013

/s/ LEVH
LAURA ELIZABETH VARTAIN HORN,
Assistant U.S. Attorney

7 MELINDA HAAG
United States Attorney

11 IT IS SO ORDERED.

13 DATED: 12/10/13


14 HON. RICHARD SEEBORG
15 UNITED STATES DISTRICT JUDGE
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